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13 A. YANNY, an individual and JOSEPH A. YANNY, a
Professional Law Corporation

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES

16 RELIGIOUS TECHNOLOGY CENTER, a) No. BC 033035
17 California Non-Profit Religious)
Corporation; CHURCH OF) [REVISED PROPOSED] DEFENDANTS'
18 SCIENTOLOGY INTERNATIONAL, a) VERIFIED FIRST AMENDED ANSWER
California Non-Profit Religious) TO PLAINTIFFS' VERIFIED
19 Corporation; and CHURCH OF) COMPLAINT. DEMAND FOR JURY
SCIENTOLOGY OF CALIFORNIA, a) TRIAL
20 California Non-Profit Religious)
Corporation,) Motion Cutoff Date:
21) March 27, 1992
Plaintiffs,)
22)
vs.) Discovery Cutoff:
23) March 27, 1992
JOSEPH A. YANNY, an Individual;) Trial Date: April 27, 1992
24 JOSEPH A. YANNY, a Professional) Time: 8:30 a.m.
Law Corporation and DOES 1) Dept: 41
25 through 25, Inclusive,)
26 Defendants.)

27 YANNY EXHIBIT 2
FOR IDENTIFICATION
JAN W. SERRA, C.S.R.

28 DATE: 3-10-92

1 Defendants Joseph A. Yanny, an individual, and Joseph A.
2 Yanny, a professional law corporation ("collectively "defendants"),
3 provide the following verified first amended response to
4 plaintiffs' verified complaint in this matter.

5 1. Answering paragraph 1 of plaintiffs' complaint, defendant
6 admit that judgment was entered in the case entitled Religious
7 Technology Center, et al. v. Joseph A. Yanny, et al., Los Angeles
8 Superior Court Case No. C690211, on February 28, 1991, and that
9 plaintiffs were resoundingly defeated in that case. Except as
10 expressly admitted above, defendants deny, generally and
11 specifically, each and every allegation of Paragraph 1 of
12 plaintiffs' complaint.

13 2. Answering Paragraph 2 of plaintiffs' complaint, defendant
14 admit that Plaintiff Religious Technology Center styles itself as
15 not-for-profit religious corporation organized and existing under
16 the laws of the State of California. Defendants deny, however,
17 that plaintiff is either a "not-for-profit" or "religious
18 corporation" in any meaningful sense of those terms.

19 3. Answering Paragraph 3 of plaintiffs' complaint, defendant
20 admit that Plaintiff Church of Scientology International styles
21 itself as a California not-for-profit religious corporation.
22 Defendants deny, however, that plaintiff is either a "not-for-
23 profit" or "religious corporation" in any meaningful sense of those
24 terms.

25 4. Answering Paragraph 4 of plaintiffs' complaint, defendant
26 admit that Plaintiff Church of Scientology of California styles
27 itself as a California not-for-profit religious corporation.
28 Defendants deny that plaintiff is either a "not-for-profit" or

1 "religious corporation" in any meaningful sense of those terms.

2 5. Answering Paragraph 5 of plaintiffs' complaint, defendants
3 admit that Defendant Joseph A. Yanny is an attorney licensed to
4 practice law in the State of California and a resident of Hermosa
5 Beach, California.

6 6. Answering Paragraph 6 of Plaintiffs' complaint, defendants
7 admit that Defendant Joseph A. Yanny, a professional law
8 corporation, is and has been a professional corporation organized
9 and existing under the laws of the State of California, with its
10 principal office in Los Angeles, California.

11 7. Answering Paragraph 7 of plaintiffs' complaint, defendants
12 deny each and every allegation set forth in this paragraph, and
13 further deny that there are any legitimate fictitiously-named
14 defendants in this action, nor any party to this action against
15 whom these plaintiffs have legitimate claims.

16 8. Answering Paragraph 8 of plaintiffs' complaint, defendants
17 admit that, at various times, defendant has represented certain of
18 the plaintiffs in this action in various cases prior to December
19 1987. Except as expressly admitted above, defendants otherwise
20 deny each and every allegation set forth in paragraph 8 of
21 plaintiffs' complaint.

22 9. Answering Paragraph 9 of plaintiffs' complaint, defendants
23 admit that, at various times, Defendant Joseph A. Yanny represented
24 certain of the plaintiffs in various pieces of litigation prior to
25 December 1987. Except as expressly admitted above, defendants
26 deny each and every allegation set forth in Paragraph 9 of
27 plaintiffs' complaint.

28 //

1 10. Answering Paragraph 10 of plaintiffs' complaint,
2 defendants admit that Defendant Joseph A. Yanny provided legal
3 counsel to certain of the plaintiffs in this case between 1983 and
4 1987. Except as expressly admitted above, defendants otherwise
5 deny each and every allegation set forth in Paragraph 10 of
6 plaintiffs' complaint, and further specifically deny that
7 defendants provided legal services to plaintiffs on "essentially
8 all" of plaintiffs' legal matters during that period of time.

9 11. Answering paragraph 11 of plaintiffs' complaint,
10 defendants admit that, during the course of the attorney-client
11 relationship with plaintiffs, there were certain duties that bound
12 both parties to that relationship. Those duties and ethical
13 obligations are a matter of statutory and case law. Except as
14 expressly admitted above, defendants deny each and every allegation
15 set forth in paragraph 11 of the plaintiffs' complaint, and further
16 deny that Paragraph 11 is an accurate rendition of the duties and
17 obligations binding an attorney in the course of an attorney-client
18 relationship.

19 12. Answering Paragraph 12 of plaintiffs' complaint,
20 defendants admit that the defendants were purportedly provided with
21 certain information during the course of defendants' representation
22 of the plaintiffs in this matter. Except as expressly admitted
23 above, defendants otherwise deny each and every allegation of
24 paragraph 12, and further allege that, during the course of the
25 representation of plaintiffs, defendants were rarely, if ever,
26 provided any accurate information concerning the legal, and other
27 concerns of plaintiffs. Rather, defendants at all times were
28 provided with "shore stories" concocted by the plaintiffs to

1 insulate the defendants from the truth concerning the plaintiffs
2 and their various endeavors. This campaign of deceit and
3 disinformation was conducted by plaintiffs to avoid defendants from
4 at any time learning the truth concerning the plaintiffs' improper
5 and frequently criminal activities.

6 13. Answering Paragraph 13 of plaintiffs' complaint,
7 defendants deny each and every allegation set forth in paragraph
8 13.

9 14. Answering Paragraph 14 of plaintiffs' complaint,
10 defendants admit that the attorney-client relationship between
11 plaintiffs and Yanny was terminated no later than the first day of
12 December 1987. Except as expressly admitted above, defendants deny
13 each and every allegation set forth in Paragraph 14 of the
14 complaint.

15 15. Answering Paragraph 15 of plaintiffs' complaint,
16 defendants admit that there was in place, until February 28, 1991,
17 a preliminary injunction, the terms of which are set forth in the
18 injunction. That injunction was obtained by plaintiffs in this
19 matter in the earlier case entitled, Religious Technology Center,
20 et al. v. Joseph A. Yanny, et al., Los Angeles Superior Court Case
21 No. C690211, on the basis of misrepresentations to the court and on
22 the basis of perjured declarations knowingly submitted by these
23 plaintiffs. Defendants further admit that, on or about June 28,
24 1991, defendants appeared as counsel of record for Vicki and
25 Richard Aznaran in a federal court action. The appearance of these
26 defendants as counsel for the Aznarans in that action was made
27 necessary by the improper and contemptible stratagems undertaken by
28 plaintiffs in this matter to deprive the Aznarans of counsel in

1 that matter. In taking what action these defendants did,
2 defendants acted only to protect the Aznarans' constitutional
3 rights to pursue their causes of action against these plaintiffs,
4 who are willing to take, and have taken in the past, any steps they
5 felt necessary, no matter how illegal or unethical those steps may
6 be, to frustrate the Aznarans' rights. Except as expressly
7 admitted above, defendants deny each and every allegation set forth
8 in Paragraph 15 of plaintiffs' complaint.

9 16. Answering Paragraph 16 of plaintiffs' complaint,
10 defendants admit that, to defendants knowledge, the plaintiffs have
11 actively been engaged in litigation in the matter entitled Church
12 of Scientology of California v. Gerald Armstrong, Los Angeles
13 Superior Court Case No. C420153. Except as above expressly
14 admitted above, defendants deny each and every allegation set forth
15 in Paragraph 16 of plaintiffs' complaint.

16 17. Answering Paragraph 17 of plaintiffs' complaint,
17 defendants reallege and incorporate herein by this reference each
18 and every admission, denial and other response contained in
19 paragraphs 1 through 16, inclusive of this answer, to plaintiffs'
20 compliant.

21 18. Answering Paragraph 18 of plaintiffs' complaint,
22 defendants admit that the case filed by Vicki and Richard Aznaran
23 was filed on or about April 1, 1988. Except as expressly admitted
24 above, defendants deny each and every allegation set forth in
25 Paragraph 18 of plaintiffs' complaint.

26 19. Answering Paragraph 19 of plaintiffs' complaint,
27 defendants admit that Vicki and Richard Aznaran were originally
28 represented by Barry Van Sickle, and that Mr. Van Sickle at one

1 point was disqualified by the federal court from representation of
2 the Aznarans. This disqualification was based on most of the same
3 perjured declarations that were submitted by plaintiffs in
4 Religious Technology Center, et al. v. Joseph A. Yanny, et al., Los
5 Angeles Superior Court Case No. C690211. Live testimony by the
6 declarant relied on by the plaintiffs was found to be inherently
7 incredible and not worthy of belief by the Honorable Raymond
8 Cardenas, who tried the bench portion of the trial in Religious
9 Technology Center, et al. v. Joseph A. Yanny, et al. Except as
10 otherwise expressly admitted, defendants deny each and every
11 allegation set forth in Paragraph 19 of plaintiffs' complaint.

12 20. Answering Paragraph 20 of plaintiffs' complaint,
13 defendants admit that, on or about June 28, 1991, Defendant Joseph
14 A. Yanny informed John J. Quinn, counsel for plaintiff Church of
15 Scientology International, that he would substitute into the
16 Aznaran case for the Aznarans and reasonably requested an extension
17 of time to oppose a summary judgment motion. That reasonable
18 request was refused. Except as expressly admitted above,
19 defendants deny each and every allegation set forth in paragraph 20
20 of plaintiffs' complaint.

21 21. Answering Paragraph 21 of plaintiffs' complaint,
22 defendants admit that defendants were substituted in as counsel
23 representing the Aznarans in the federal action, having sought and
24 obtained permission of court for that substitution. Defendants
25 also admit that all requests for a reasonable continuance of time
26 to protect the rights of the Aznarans in that case against a
27 pending motion for summary judgment, which was purposely filed by
28 plaintiffs in this matter at a time when the Aznarans were not

1 represented, were refused. Except as expressly admitted above,
2 defendants otherwise deny each and every allegation set forth in
3 paragraph 21 of plaintiffs' complaint.

4 22. Answering Paragraph 22 of plaintiffs' complaint,
5 defendants admit that plaintiffs in this action predictably made a
6 motion to disqualify defendants from representing the Aznarans.
7 Except as expressly admitted above, defendants deny each and every
8 allegation set forth in Paragraph 22 of plaintiffs' complaint.

9 23. Answering Paragraph 23 of plaintiffs' complaint,
10 defendants admit that defendants acted reasonably and ethically in
11 representing Vicki and Richard Aznaran over a short period of time
12 in the federal action, beginning on June 28, 1991. Except as
13 expressly admitted above, defendants deny each and every allegation
14 set forth in Paragraph 23 of plaintiffs' complaint.

15 24. Answering Paragraph 24 of plaintiffs' complaint,
16 defendants admit that, at various times, defendants have
17 represented certain of the plaintiffs in this action in various
18 cases prior to December 1987. Except as expressly admitted above,
19 defendants otherwise deny each and every allegation set forth in
20 Paragraph 24 of plaintiffs' complaint, and further specifically
21 deny that paragraph 24 is an accurate rendition of the duties and
22 obligations binding an attorney in the course of an attorney-client
23 relationship.

24 25. Answering Paragraph 25 of plaintiffs' complaint,
25 defendants deny each and every allegation set forth in Paragraph
26 25.

27 26. Answering Paragraph 26 of plaintiffs' complaint,
28 defendants deny each and every allegation set forth in Paragraph

1 26.

2 27. Answering Paragraph 27 of plaintiffs' complaint,
3 defendants deny each and every allegation set forth in Paragraph
4 27.

5 28. Answering Paragraph 28 of plaintiffs' complaint,
6 defendants deny each and every allegation set forth in Paragraph
7 28.

8 29. Answering Paragraph 29 of plaintiffs' complaint,
9 defendants reallege and incorporate herein by this reference each
10 and every admission, denial and other response contained in
11 Paragraphs 1 through 16, inclusive of this answer to plaintiffs'
12 complaint.

13 30. Answering Paragraph 30 of plaintiffs' complaint,
14 defendants deny each and every allegation of Paragraph 30.

15 31. Answering Paragraph 31 of plaintiffs' complaint,
16 defendants deny each and every allegation of Paragraph 31.

17 32. Answering Paragraph 32 of plaintiffs' complaint,
18 defendants admit that, at various times, defendants represented
19 certain of the plaintiffs in this action in various cases prior to
20 December 1987. Except as expressly admitted above, defendants
21 otherwise deny each and every allegation set forth in Paragraph 32.
22 Defendants specifically deny that Paragraph 32 is an accurate
23 rendition of the duties and obligations binding an attorney in the
24 course of an attorney-client relationship.

25 33. Answering paragraph 33 of plaintiffs' complaint,
26 defendants deny each and every allegation set forth in Paragraph
27 33.

28 ///

1 34. Answering paragraph 34 of plaintiffs' complaint,
2 defendants deny each and every allegation set forth in paragraph
3 34.

4 35. Answering Paragraph 35 of plaintiffs' complaint,
5 defendants deny each and every allegation set forth in paragraph
6 35.

7 36. Answering Paragraph 36 of plaintiffs' complaint,
8 defendants deny each and every allegation set forth in Paragraph
9 36.

10
11 FIRST AFFIRMATIVE DEFENSE

12 (Failure to State A Cause of Action)

13 37. Further answering said complaint and as a first, separate
14 and affirmative defense thereto, these defendants allege as
15 follows:

16 The complaint and each cause of action contained therein
17 fails to state a cause of action against these defendants upon
18 which relief can be granted.

19
20 SECOND AFFIRMATIVE DEFENSE

21 (This Court Cannot Enjoin The Practice of Law)

22 38. Further answering said complaint and as a second,
23 separate and affirmative defense thereto, these defendants allege
24 as follows:

25 Any attempt by plaintiffs, or any of them, to limit the
26 clientele to which these answering defendants, or any of them, may
27 render legal services after the termination of the attorney-client
28 relationship between the plaintiffs, or any of them, and these

1 answering defendants, or any of them, which limitation goes beyond
2 that required by the rules of professional conduct, is void and
3 unenforceable as a matter of public policy, and constitutes an
4 unenforceable restraint on the right of defendants, or any of them,
5 to pursue their chosen profession.

6
7 THIRD AFFIRMATIVE DEFENSE

8 (Mootness)

9 39. Further answering said complaint and as a third,
10 separate and affirmative defense thereto, these defendants allege
11 as follows:

12 All wrongs alleged by plaintiffs have already been
13 completed, no further or additional alleged actual or potential
14 damages are threatened or even possible, and therefore plaintiffs'
15 claim for injunctive relief is moot and must fail.

16
17 FOURTH AFFIRMATIVE DEFENSE

18 (No Substantial Relationship)

19 40. Further answering said complaint and as a fourth,
20 separate and affirmative defense thereto, these defendants allege
21 as follows:

22 (a) There is no substantial relationship between the
23 matters alleged in the first cause of action of Plaintiffs'
24 complaint and the former representation, and these answering
25 defendants were never in a position where they did or could have
26 received information that the plaintiffs might reasonably have
27 assumed that these answering defendants would or should withhold
28 from either Vicki Aznaran, the former president of plaintiff

1 Religious Technology Center, or Richard Aznaran, a former employee
2 of Church of Scientology International.

3 (b) There is no substantial relationship between the
4 matters alleged in the second cause of action, or any relationship
5 between Defendants and Gerald Armstrong, and the former
6 representation, and these answering defendants were never in a
7 position where they did or could have received information that the
8 plaintiffs might reasonably have assumed that these answering
9 defendants would or should withhold from Gerald Armstrong, a former
10 "intelligence officer" of Scientology's Sea Organization, then the
11 group of the most "elite" of Scientologists who worked directly for
12 L. Ron Hubbard, and who was privy to more than 500,000 pages of
13 documentation about the life of L. Ron Hubbard and the most
14 confidential operations of the Scientology organization.

15
16 FIFTH AFFIRMATIVE DEFENSE

17 (No Disclosure of Confidences)

18 41. Further answering said complaint and as a fifth,
19 separate and affirmative defense thereto, these answering
20 defendants allege as follows:

21 These answering defendants were never in the possession
22 of confidential information which was not already and/or
23 independently known to any or all of Vicki Aznaran, Richard
24 Aznaran, or Gerald Armstrong.

25
26 SIXTH AFFIRMATIVE DEFENSE

27 (Failure to Exhaust Other Remedies)

28 42. Further answering said complaint and as a sixth,

1 separate and affirmative defense thereto, these defendants allege
2 as follows:

3 Each and all purported causes of action set forth in the
4 complaint, and any and all claims based thereon, are barred by
5 reason of plaintiffs' failure to exhaust their other available
6 remedies.

7
8 SEVENTH AFFIRMATIVE DEFENSE

9 (Unclean Hands)

10 43. Further answering said complaint and as a seventh,
11 separate and affirmative defense thereto, these answering
12 defendants repeat, reallege and incorporate herein by reference
13 each and every allegation contained in paragraphs 44, 45, 46, 51,
14 54, 57, and 58 herein and allege as follows:

15 Plaintiffs are barred from bringing this action against
16 these defendants and/or obtaining the equitable relief requested
17 herein under the doctrine of unclean hands.

18
19 EIGHTH AFFIRMATIVE DEFENSE

20 (In Pari Delicto)

21 44. Further answering said complaint and as an eighth,
22 separate and affirmative defense thereto, these answering
23 defendants repeat, reallege and incorporate by reference herein
24 each and every allegation contained in paragraphs 43, 45, 46, 51,
25 54, 57 and 58 herein and allege as follows:

26 Notwithstanding the things alleged of defendants in the
27 complaint, which are denied in the applicable paragraphs herein,
28 plaintiffs and their counsels' conduct in connection with the

1 events allegedly giving rise to the first cause of action bars
2 plaintiffs from recovery with regard to the first cause of action
3 under the doctrine of in pari delicto.

4
5 NINTH AFFIRMATIVE DEFENSE

6 (Illegality)

7 45. Further answering said complaint and as a ninth,
8 separate and affirmative defense thereto, these answering
9 defendants repeat, reallege and incorporate herein by reference
10 each and every allegation contained in paragraphs 43, 44, 46, 51,
11 54, 57 and 58 herein and allege on the basis of either personal
12 knowledge or information and belief as follows:

13 Plaintiffs are barred from bringing this action as a
14 result of their acts of illegality in connection with matters that
15 were being handled by defendants for plaintiffs, but not disclosed
16 by plaintiffs to defendants at the time of such handling, services
17 which plaintiffs requested defendants to perform (e.g., with regard
18 to the Flynn settlement agreements), but which they refused to so
19 do because of their illegality, plaintiffs' illegal conduct in
20 committing the acts giving rise to the action entitled Vicki
21 Aznaran, et al. v. Church of Scientology of California, and
22 assigned Case Number C-88-1786 JMI (Ex) by the United States
23 District Court for the Central District of California ("The Aznaran
24 case"); conduct by plaintiffs and their counsel and others,
25 including but not limited to the making of certain settlement
26 proposals to Barry Van Sickle, Esq., for direct communication to
27 Vicki and Richard Aznaran ("the Aznarans") knowing that Barry Van
28 Sickle, Esq. had been disqualified from representing the Aznarans,

1 and knowing that the Aznarans were at the time represented by Ford
2 Greene and participating in conduct which resulted in the Aznarans
3 (in the hopes of facilitating settlement and in accordance with
4 plaintiffs' conditions) dismissing their counsel, Ford Greene.
5 Furthermore, plaintiffs have entered into numerous settlement
6 agreements with many attorneys (e.g. the Flynn settlement
7 agreements), and many of those settlement agreements have included
8 illegal provisions restricting those attorneys from ever
9 representing any clients with interests adverse to the plaintiffs
10 herein, with the effect that the number of attorneys available to
11 represent the Aznarans, and others wishing to litigate against the
12 plaintiffs, have been significantly depleted. Furthermore, other
13 acts of illegality by plaintiffs have been publicly documented.
14 Moreover, plaintiffs have engaged in acts of impropriety including
15 what the District Court in the Aznaran case has referred to in a
16 written order, entered after the events in issue herein, as
17 "outrageous litigation tactics . . . by both sides." Also, the
18 conduct of plaintiffs against various opposing counsel, judges and
19 government authorities (including but not limited to illegal
20 surveillance, obtaining phone company records, breaking and
21 entering, property damage, threatening conduct, killing pets and
22 violence) have discouraged and intimidated attorneys from appearing
23 in litigation against the plaintiffs, thus further significantly
24 depleting the pool of attorneys immediately available to represent
25 the Aznarans, and others, against the plaintiffs.

26 //

27 //

28 //

1 the Aznarans were represented by their Attorney of record, Ford
2 Greene, Quinn and Drescher made settlement proposals to Van Sickle
3 regarding possible settlement of the Aznaran case. Quinn and
4 Drescher, on behalf of plaintiffs, specifically discussed details
5 regarding Van Sickle making direct settlement proposals to the
6 Aznarans without the knowledge of their counsel of record, Ford
7 Greene, and with the expectation that the Aznarans might thus be
8 induced to then discharge their attorney, Greene. Furthermore,
9 Drescher, in the presence of Quinn, expressly made it a condition
10 of this meeting(s) and communications that these discussions would
11 never be repeated and would not become the subject of declarations
12 in either the Corydon case or the Aznaran case. By inducing Van
13 Sickle to make settlement proposals to the Aznarans, plaintiffs
14 thus made Van Sickle their agent.

15 On June 20, 1991, or thereabouts, Quinn, Drescher and Van
16 Sickle again met in a restaurant and again discussed joint
17 settlement of the Corydon and Aznaran cases. At this meeting,
18 Quinn and Drescher learned that the Aznarans were now discharging
19 Ford Greene. Neither Quinn nor Drescher disclosed to Van Sickle
20 during either of these restaurant meetings, or at any other
21 relevant time, that plaintiffs were then finalizing a substantial
22 motion for summary judgment in the Aznaran case.

23 Within a very short time thereafter, on July 1, 1991, the
24 Aznarans substituted themselves into the Aznaran case in pro per in
25 place of Greene who they had discharged, and whereupon plaintiffs
26 filed a motion for summary judgment against the Aznarans.

27 Believing that they had taken a major step towards
28 concluding a settlement agreement with plaintiffs, and instead

1 suddenly facing a motion for summary judgment and without essential
2 legal representations, the Aznarans contacted defendants for
3 assistance. Defendants contacted Quinn and requested plaintiffs
4 continue the hearing date on the summary judgment motion so that
5 the Aznarans could obtain new legal counsel and oppose the
6 plaintiffs' motion for summary judgment. Quinn refused to continue
7 the hearing date on plaintiffs' motion for summary judgment.
8 Subsequently, the District Court reinstated Ford Greene as the
9 Aznaran's counsel and shortly thereafter entered a written order
10 referring to the "outrageous litigation tactics" being employed in
11 the case.

12
13 ELEVENTH AFFIRMATIVE DEFENSE

14 (Res Judicata)

15 47. Further answering said complaint and as an eleventh,
16 separate and affirmative defense thereto, these answering
17 defendants allege as follows:

18 Plaintiffs' complaint, and plaintiffs' claims for
19 equitable relief and damages, are barred by the doctrine of res
20 judicata.

21
22 TWELFTH AFFIRMATIVE DEFENSE

23 (Collateral Estoppel)

24 48. Further answering said complaint and as a twelfth,
25 separate and affirmative defense thereto, these answering
26 defendants allege as follows:

27 Plaintiffs' complaint, and plaintiffs' claims for
28 equitable relief and damages therein, are barred by the doctrine of

1 collateral estoppel.

2
3 THIRTEENTH AFFIRMATIVE DEFENSE

4 (Failure to Mitigate Damages)

5 49. Further answering said complaint and as a
6 thirteenth, separate and affirmative defense thereto, these
7 answering defendants allege as follows:

8 Plaintiffs, and/or their counsel or other agents, failed
9 to take proper and reasonable steps to avoid or mitigate the
10 damages alleged in the Complaint, and to the extent of such failure
11 to mitigate or to avoid, damages allegedly incurred by plaintiffs,
12 if any, should be reduced accordingly.

13
14 FOURTEENTH AFFIRMATIVE DEFENSE

15 (Waiver -- of the Attorney/Client Privilege and Estoppel)

16 50. Further answering said complaint and as a
17 fourteenth, separate and affirmative defense thereto, these
18 answering defendants allege as follows:

19 Plaintiffs, inter alia, in filing and prosecuting their
20 complaint in Religious Technology Center, et al. v. Joseph A.
21 Yanny, et al., Los Angeles Superior Court Case No. C690211 ("Yanny
22 I") have knowingly waived any privilege regarding confidentiality
23 of attorney client communications pursuant to California Evidence
24 Code Section 958 and other applicable law and have thereby released
25 these defendants from any alleged duty to maintain confidences as
26 asserted in this action and are therefore estopped from recovery
27 herein.

28

1 FIFTEENTH AFFIRMATIVE DEFENSE

2 (Waiver and Estoppel -- Crime/Fraud Exception)

3 51. Further answering said complaint and as a fifteenth,
4 separate and affirmative defense thereto, these answering
5 defendants repeat, reallege and incorporate herein by reference
6 each and every allegation contained in paragraphs 45 and 46 of this
7 verified first amended complaint and allege as follows:

8 Plaintiffs are barred from asserting each and all of the
9 purported causes of action in the complaint by reasons of their own
10 acts, omissions and conduct, or that of their agents, pursuant to
11 California Evidence Code §956, in that professional services of
12 defendants were sought or obtained to enable plaintiffs to commit,
13 or plan to commit, a crime or fraud.

14
15 SIXTEENTH AFFIRMATIVE DEFENSE

16 (Waiver and Estoppel -- Multiple Representation)

17 52. Further answering said complaint and as a sixteenth,
18 separate and affirmative defense thereto, these answering
19 defendants allege as follows:

20 Plaintiffs are barred from asserting their first cause of
21 action in their complaint by reason of the joint client exception
22 to the attorney client privilege in that defendants previously
23 represented Vicki Aznaran, jointly with plaintiffs, in a matter(s)
24 of common interest.

25
26 SEVENTEENTH AFFIRMATIVE DEFENSE

27 (Estoppel By Conduct)

28 53. Further answering said complaint and as a

1 seventeenth, separate and affirmative defense thereto, these
2 answering defendants allege as follows:

3 Plaintiffs are equitably estopped from asserting each and
4 all of the purported causes of action in the complaint by reason of
5 their own acts, omissions and conduct, or that of their agents.

6
7 EIGHTEENTH AFFIRMATIVE DEFENSE

8 (Action Barred By Equity and Civil Code Provisions)

9 54. Further answering said complaint and as an
10 eighteenth, separate and affirmative defense thereto, these
11 answering defendants repeat, reallege and incorporate herein by
12 reference each and every allegation contained in paragraphs 43, 44,
13 45, 46 herein and allege as follows:

14 Plaintiffs are barred from judicial relief by the general
15 principles of equity and the specific provisions of Part IV of the
16 Civil Code, including but not limited to §§3512, 3517, 3519, 3524
17 (without any admission of wrongdoing by defendants) and 3533.

18
19 NINETEENTH AFFIRMATIVE DEFENSE

20 (Action Barred By Doctrine of Election of Remedies)

21 55. Further answering said complaint and as a
22 nineteenth, separate and affirmative defense thereto, these
23 answering defendants allege as follows:

24 Plaintiffs are barred from bringing this action against
25 these defendants under the doctrine of election of remedies.

26 / / /

27 / / /

28 / / /

1 TWENTIETH AFFIRMATIVE DEFENSE

2 (Privilege)

3 56. Further answering said complaint and as a twentieth,
4 separate and affirmative defense thereto, these answering
5 defendants allege as follows:

6 At all relevant times, the acts of these answering
7 defendants were privileged under Civil Code §47. Therefore,
8 plaintiffs are barred from maintaining this action.

9
10 TWENTY-FIRST AFFIRMATIVE DEFENSE

11 (Justification -- Defense of Another, Interests
12 Of Third Persons and the Public)

13 57. Further answering said complaint and as a twenty-
14 first, separate and affirmative defense thereto, these answering
15 defendants repeat, reallege and incorporate herein by reference
16 each and every allegation contained in paragraphs 43, 44, 45, 46
17 herein and allege as follows:

18 At all relevant times, the acts of these answering
19 defendants were privileged and justified because, if done at all,
20 they were done in defense of others, the interests of third
21 persons, the interests of justice, and the interests of the public.

22
23 TWENTY-SECOND AFFIRMATIVE DEFENSE

24 (Justification -- Drastic Result Exception
25 To the Substantial Relationship Test)

26 58. Further answering said complaint and as a twenty-
27 second, separate and affirmative defense thereto, these answering
28 defendants repeat, reallege and incorporate by reference each and

1 every allegation contained in paragraph 46 herein and allege as
2 follows:

3 At all relevant times, the acts of these answering
4 defendants were justified because the circumstances under which
5 these defendants felt compelled to temporarily represent the
6 Aznarans were created by the plaintiffs' own intentional bad faith
7 conduct, and but for these defendants' assistance, a drastic result
8 would likely have occurred.
9
10
11

12 TWENTY-THIRD AFFIRMATIVE DEFENSE

13 (Good Faith and Due Diligence)

14
15 59. Further answering said complaint and as a twenty-
16 third, separate and affirmative defense thereto, these answering
17 defendants allege as follows:
18

19 Defendants have acted at all times relative hereto in
20 good faith and with due diligence.
21
22

23 TWENTY-FOURTH AFFIRMATIVE DEFENSE

24 (First Amendment Protection and Commerce Clause)

25
26 60. Further answering said complaint and as a twenty-
27 fourth, separate and affirmative defense thereto, these answering
28 defendants allege as follows:
29

30 Plaintiffs' complaint, and plaintiffs' claims for
31 equitable relief and damages therein, are an unconstitutional
32 attempt to limit and chill defendants' first amendment rights of
33 freedom of speech, assembly and religion and, if granted, would
34 violate, inter alia, the Commerce Clause of the Constitution of the
35 United States and of applicable provisions of the Constitution of
36
37

1 the State of California.

2
3 WHEREFORE, these answering defendants, and each of them,
4
5 pray as follows:

6 1. That plaintiffs, or any of them, take nothing by
7 their complaint;

8
9 2. That any temporary restraining order, preliminary
10 injunction or other order entered against defendants, or any of
11 them, in this action be dissolved and rendered of no further force
12 and effect;

13
14 3. For defendants' cost of suit incurred herein; and

15 4. For such other and further relief as may be just and
16 proper under the circumstances.
17

18
19 Dated: January 22, 1992

LEWIS, D'AMATO, BRISBOIS & BISGAARD

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21
22 By: 

GRAHAM E. BERRY

23 Attorneys for Defendants JOSEPH A.
24 YANNY, an individual, and JOSEPH A.
25 YANNY, a professional law corporation
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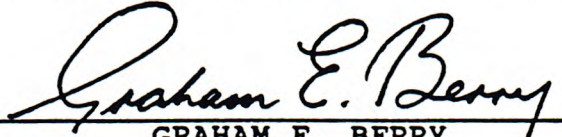
DEMAND FOR JURY TRIAL

Defendants in this action, in which plaintiffs are seeking compensatory, punitive and exemplary damages, request jury trial as to all appropriate issues.

Dated: January 22, 1992

LEWIS, D'AMATO, BRISBOIS & BISGAARD

By



GRAHAM E. BERRY

Attorneys for Defendants JOSEPH A. YANNY, an individual, and JOSEPH A. YANNY, a professional law corporation

answer2.vc

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing (REVISED PROPOSED) DEFENDANTS' VERIFIED FIRST
AMENDED ANSWER TO PLAINTIFFS' VERIFIED COMPLAINT; DEMAND FOR and know its contents.
JURY TRIAL ☐ CHECK APPLICABLE PARAGRAPH

- ☒ I am party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
☒ I am ☒ an officer ☐ a partner ☐ a _____ of _____
JOSEPH A. YANNY, A PROFESSIONAL CORPORATION

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☒ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

- ☐ I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on January 22, 19 92, at Los Angeles, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

JOSEPH A. YANNY

Type or Print Name

Signature

PROOF OF SERVICE

1013A (3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF _____

I am employed in the county of _____, State of California.

I am over the age of 18 and not a party to the within action; my business address is: _____

On _____, 19 _____, I served the foregoing document described as _____

_____ on _____ in this action.

- ☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list;
☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

☐ BY MAIL

☐ *I deposited such envelope in the mail at _____, California.

The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at _____, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on _____, 19 _____, at _____, California.

- ☐ ** (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.
Executed on _____, 19 _____, at _____, California.
☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature

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1 PROOF OF SERVICE BY MAIL

2 [CCP § 1013(a)]

3 STATE OF CALIFORNIA)
4)
COUNTY OF LOS ANGELES)

5 I am employed in the County of Los Angeles, State of
6 California. I am over the age of 18 and not a party to the within
7 action. My business address is Lewis, D'Amato, Brisbois &
Bisgaard, 221 North Figueroa Street, Suite 1200, Los Angeles,
California 90012.

8 On January 23, 1992, I served the foregoing document described
9 as:

10 [REVISED PROPOSED] DEFENDANTS' VERIFIED FIRST AMENDED
ANSWER TO PLAINTIFFS' VERIFIED COMPLAINT; DEMAND FOR JURY TRIAL

11 on the interested parties in this action by placing a true copy
12 thereof enclosed in a sealed envelope with postage thereon fully
13 prepaid in the United States mail at: Los Angeles, California
90012 addressed as follows:

14 Joseph A. Yanny, Esq.
15 1925 Century Park East
Suite 1260
Los Angeles, California 90067

16 I am "readily familiar" with the firm's practice of collection
17 and processing of correspondence for mailing. Under that practice,
18 mail is deposited with the U.S. postal service on that same day in
19 the ordinary course of business. I am aware that on motion of the
party served, service is presumed invalid if the postal
cancellation date or postage meter date is more than one day after
the day of deposit for mailing an affidavit.

20 Executed on January 23, 1992 at Los Angeles, California.

21 [X] State I declare under penalty of perjury under the laws of
22 the State of California that the above is true and
correct.

23 [] Federal I declare that I am employed in the offices of a
24 member of the bar of this court at whose
direction service was made.

25 Karen D. Cornejo
Karen D. Cornejo

26 Rev. 10/89

1 PROOF OF SERVICE BY MAIL

2 [CCP § 1013(a)]

3 STATE OF CALIFORNIA)
4 COUNTY OF LOS ANGELES)

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6 California. I am over the age of 18 and not a party to the within
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8 Bisgaard, 221 North Figueroa Street, Suite 1200, Los Angeles,
9 California 90012.

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13 ANSWER TO PLAINTIFFS' VERIFIED COMPLAINT; DEMAND FOR JURY TRIAL

14 on the interested parties in this action by placing a true copy
15 thereof enclosed in a sealed envelope with postage thereon fully
16 prepaid in the United States mail at: Los Angeles, California
17 90012 addressed as follows:

18 Patrick K. Smith, Esq.
19 1408 Talbott Tower
20 131 N. Ludlow Street
21 Dayton, Ohio 45402-1773

22 I am "readily familiar" with the firm's practice of collection
23 and processing of correspondence for mailing. Under that practice,
24 mail is deposited with the U.S. postal service on that same day in
25 the ordinary course of business. I am aware that on motion of the
26 party served, service is presumed invalid if the postal
27 cancellation date or postage meter date is more than one day after
28 the day of deposit for mailing an affidavit.

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[X] State I declare under penalty of perjury under the laws of
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[] Federal I declare that I am employed in the offices of a
member of the bar of this court at whose
direction service was made.

29 Karen D. Cornejo
30 Karen D. Cornejo

31 Rev. 10/89